

relief, *Crawford v. Severson*, 5 Gill, 443; *Greenwood v. Greenwood*, 5 Md. 334; *Campbell v. Graham*, 1 Russ. & Myl. 553.³⁸ In *Lucket v. White*, 10 G. & J. 480, a charge of a legacy on lands was made by a parent dying in 1786 or 87, in favor of an infant who attained age in 1807, and it was held, on a bill filed in 1825 against the holders of the land, who had bought with notice that the charge was unpaid, that the legatee was entitled to a sale for its satisfaction, and to interest from 1786. A devisee in trust cannot, by becoming administrator of the legatee, entitled by virtue of such a charge, bar the distributees of the latter, *Smith v. Smith*, 7 Md. 55. But the general rule is that if there is no trust, limitations will apply, see *Piper v. Hamilton*, 26 Md. 208.

Dower.—It has also been held that dower or the claim of the widow to rents and profits is not barred by limitations, *Wells v. Beall*, 2 G. & J. 468; *Sellman v. Bowen*, 8 G. & J. 50. However, it seems that lapse of time may bar her in some cases, *Kiddall v. Trimble*, 8 Gill, 207; *S. C.* 1 Md. Ch. Dec. 143.³⁹ In *Dugan v. Gittings*, 3 Gill, 138, the bill was filed within less than twenty years from the period at which the right of action of the parties accrued, and as their claim for an account and payment of rents was incidental to and consequent upon their assertion of their title to the lands, they were held not barred by limitations or *laches*. The title there depended on a parol contract part performed, which would have been absolutely void at law, and consequently the complainants could not have proceeded at law for rents and profits. And the same rule was followed in *Mitchell v. Mitchell*, 29 Md. 581, where there was an express trust. But a claim to rents and profits may in other cases be subject to the Statute, *West v. Jarratt*, 3 H. & J. 185; *Gill v. Cole*, 1 H. & J. 403. However, where to a bill for an account of rents and profits the defendant pleads limitations, and claims an allowance for improvements, such allowance must be deducted from the amount of rents and profits for the whole period during which the defendant was in possession of the lands, *Ridgely v. Bond*, 18 Md. 433. In *Mitchell v. Mitchell*, 10 Md. 234, the Court of Appeals divided upon the question whether the Statute of Limitations affected an action for mesne profits after a recovery in ejectment. But in *Tongue v. Nutwell*, 31 Md. 302, it was solemnly determined that it did.

Laches.—Something has already been said of the effect of lapse of time and acquiescence in equity, and it is not necessary to pursue the subject at any length.⁴⁰ It is a sound rule that each case is to be determined by its own circumstances, *Glenn v. Hebb*, 17 Md. 260. Long acquiescence will clearly bar a claim to an account, *Sindall v. Campbell*, 7 Gill, 66. But in *Somerville v. Trueman*, 4 H. & McH. 43, where a contract for the sale of lands had been fully executed, a deed was ordered to be executed after a lapse of sixty-eight years. So where a wife has an equitable claim

³⁸ *B. & O. R. R. Co. v. Trimble*, 51 Md. 111; *Buchanan v. Lloyd*, 88 Md. 652. Legacies are not barred by the Statute of Limitations but they may be by laches. *Ogle v. Tayloe*, 49 Md. 176.

³⁹ *Mitchell v. Farrish*, 69 Md. 235; *Williams v. Thomas*, (1909) 1 Ch. 713.

⁴⁰ See note 35 *supra*.